

AB 979 Abandoned vessels: abatement.

BILL NUMBER: AB 979 INTRODUCED 02/27/97

INTRODUCED BY Assembly Member Leach

FEBRUARY 27, 1997

An act to amend Section 9863 of, and to add Section 9863.5 to, the Vehicle Code, relating to vessels, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 979, as introduced, Leach. Abandoned vessels: abatement.

Existing law authorizes the Department of Motor Vehicles, upon receiving specified notice of the wrecking, dismantling, destruction, or abandonment of an undocumented vessel, or upon an official determination that an undocumented vessel has been abandoned, to order the destruction of the vessel, as prescribed.

This bill would authorize the establishment of a service authority for the abatement of abandoned vessels in any county, as prescribed, if the board of supervisors of that county, by a 2/3 vote, and a majority of the cities having a majority of the incorporated population within the county, have adopted resolutions providing for the establishment of the authority. The bill would appropriate \$250,000 from specified money in the Harbors and Watercraft Revolving Fund to the Controller, for allocation to a county service authority for reimbursement of costs incurred by that authority in the abatement of abandoned vessels pursuant to those provisions

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

SECTION 1. Section 9863 of the Vehicle Code is amended to read:

9863. (a) All fees received, except moneys collected under Section 9875, pursuant to this chapter shall be deposited in the Harbors and Watercraft Revolving Fund and, notwithstanding Section 13340 of the Government Code, are continuously appropriated, without regard to fiscal years, for the administration of this chapter. Any funds in the Harbors and Watercraft Revolving Fund in excess of the amount determined by the Director of Finance, from time to time, to be necessary for expenditure for the administration of this chapter, notwithstanding Section 13340 of the Government Code, are continuously appropriated to the department, without regard to fiscal years, for expenditure in accordance with Section 663.7 of the Harbors and Navigation Code.

(b) The sum of two hundred fifty thousand dollars (\$250,000), from those funds deposited in the Harbors and Watercraft Revolving Fund pursuant to this section, is hereby appropriated from that fund to the Controller, for allocation to a county service authority for reimbursement of costs incurred by that authority in the abatement of abandoned vessels pursuant to Section 9863.5.

SEC. 2. Section 9863.5 is added to the Vehicle Code, to read:

9863.5. (a) A service authority for the abatement of abandoned vessels may be established in any county if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county have adopted resolutions providing for the establishment of the authority. The membership of the authority shall be determined by

concurrence of the board of supervisors and a majority vote of the majority of the cities within the county having a majority of the incorporated population.

(b) The authority may contract and may undertake any act convenient or necessary to carry out any law relating to the authority. The authority shall be staffed by existing personnel of the city, county, or county transportation commission.

(c) Notwithstanding any other provision of law, a service authority may adopt an ordinance establishing procedures for the abatement, removal, and disposal as public nuisances, of abandoned, wrecked, dismantled, or inoperative vessels or parts thereof from private or public property; and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the service authority, of costs of administration and that removal and disposal. The actual removal and disposal of vessels shall be undertaken by an entity that may be a county or city or the department, pursuant to contract with the service authority as provided in this section.

(d) (1) An abandoned vessel abatement program and plan of a service authority shall be implemented only with the approval of the county and a majority of the cities having a majority of the incorporated population.

(2) The department shall provide guidelines for abandoned vessel abatement programs. An authority's abandoned vessel abatement plan and program shall be consistent with those guidelines, and shall provide for, but not be limited to, an estimate of the number of abandoned vessels, a disposal and enforcement strategy including contractual agreements, and appropriate fiscal controls. The department's guidelines provided pursuant to this paragraph shall include, but not be limited to, requiring each service authority applying for reimbursement pursuant to this section to report to the department on a quarterly basis, in a manner prescribed by the department, the purpose for which the funds were allocated, and the number of vessels abated, pursuant to an approved abandoned vessel abatement program. The report shall be submitted to the department not later than 90 calendar days following the end of the previous quarter.

(3) After a plan has been approved pursuant to paragraph (1), the service authority shall, not later than August 1 of the year in which the plan was approved, submit it to the department for review, and the department shall, not later than October 1 of that same year, either approve the plan as submitted or make recommendations for revision. After the plan has received the department's approval as being consistent with the department's guidelines, the service authority shall, not later than January 1 of the following year, submit it to the Controller.

(4) Except as provided in subdivision (e), the Controller shall make no allocation pursuant to subdivision (b) of Section 9863 for a calendar year to a service authority for which an approved plan was not received on or before January 1 of that year, if a county has failed to provide its quarterly report as required in paragraph (2).

(5) No governmental agency shall receive any funds from a service authority for the abatement of abandoned vessels pursuant to an approved abandoned vessel abatement program unless the governmental agency has submitted a quarterly report to the service authority stating the manner in which the funds were expended, and the number of vessels abated. The governmental agency shall receive that percentage of the total funds collected by the service authority that is equal to the percentage of vessels abated by the agency of the total number of abandoned vessels abated by all agencies that are members of the service authority.

(e) Any plan that has been submitted to the Controller pursuant to subdivision (d) may be revised

pursuant to the procedure prescribed in that subdivision, including compliance with any dates described therein for submission to the department and the Controller, respectively, in the year in which the revisions are proposed. Compliance with that procedure shall only be required if the revisions are substantial. A service authority that is newly formed and has not complied with subdivision (d) may so comply after the dates specified in subdivision (d) by submitting an approved plan on or before those dates in the year in which the plan is submitted.

(f) A service authority may apply to the Controller for the reimbursement of costs incurred in the abatement, removal, or disposal as public nuisances of any abandoned, wrecked, dismantled, or inoperative vessels or parts thereof from private or public property pursuant to this section, in accordance with Section 9863.

(g) For purposes of this section, "abandoned vessel abatement" means the removal of a vessel from public or private property by towing or any other means after the vessel has been marked as abandoned by an official of a governmental agency that is a member of the service authority.

(h) A service authority shall cease to exist on the date that all funds available to the authority pursuant to subdivision (b) of Section 9863 have been expended.



[Senate Home Page](#)



[Search Bill Text](#)

Senate Rules Committee / California State Senate / WebMaster@sen.ca.gov